

REMARKS

Summary of the Office Action

In the Office Action, claims 1, 12, 13 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by newly-applied U.S. Patent No. 4,595,801 to Coffin (hereinafter "Coffin").

Claims 12 and 13 also stand rejected under 35 U.S.C. § 102(b) as being anticipated by newly-applied W0 93/07729 to Langley (hereinafter "Langley").

Claims 2-11 and 15-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Coffin in view of Langley.

Summary of the Response to the Office Action

Applicant has amended independent claims 1, 12 and 13 in order to differently describe embodiments of the invention. Accordingly, claims 1-17 remain presently pending for consideration.

The Rejections under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1, 12, 13 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Coffin. Claims 12 and 13 also stand rejected under 35 U.S.C. § 102(b) as being anticipated by Langley. Claims 2-11 and 15-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Coffin in view of Langley. Applicant has amended independent claims 1, 12 and 13 in order to differently describe embodiments of the invention. To the extent that these rejections might still be deemed to apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

The Office Action, at page 2, alleges that Coffin discloses each element of independent claims 1, 12 and 13, for example. In this regard, the Office Action refers to the vicinity of Coffin's magnetic circuitry as meeting the claimed "hollow portion." Moreover, the Office Action refers to the portion of Coffin that "connects section 12 and 13" as meeting the claimed "elongated rod." The Office Action goes on to refer to item 12 or 13 of Coffin as meeting the "support means" limitations. With regard to independent claims 12 and 13, the Office Action, at page 3, alleges that Fig. 2 of Langley also discloses each element of these claims.

In each of the applied Coffin and Langley references, the respective portions that the Office Action asserts meets the "elongated rod" limitations of the instant application's independent claims both connect to particular structure at their bottom ends. For example, in Coffin, the horizontal rod like structure connecting between sections 12 and 13 connects at a bottom end to a center attachment 13 to the secondary cone 4 of Coffin's speaker. Moreover, in Langley, the "lightweight link 19" of Fig. 2 connects at a bottom end to a diaphragm 18 of a second chamber portion 17 situated below the magnet assembly 6, 7 and 8 of Langley's speaker.

Applicant has newly-amended each of independent claims 1, 12 and 13 to recite that the elongated rod, or rod, is frictionally fit within the hollow portion. See, for example, page 6, lines 14-19 of the specification of the instant application in this regard. Applicant respectfully submits that such a friction fit between the rod and the hollow portion is neither shown nor suggested by the applied art of record, whether taken separately or in combination with each other.

Applicant respectfully asserts that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because Coffin and Langley, whether taken singly or combined, do not

teach or suggest each feature of independent claims 1, 12 and 13, as amended. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)."

Furthermore, Applicant respectfully asserts that dependent claims 2-11 and 14-17 are allowable at least because of the dependence from their respective independent claims and the reasons set forth above. Accordingly, the rejections of claims 2-11 and 15-17 under 35 U.S.C. § 103(a) are respectfully traversed for the foregoing reasons. MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)."

Request for Acknowledgement of Receipt of Priority Document

Applicant respectfully submits that the Examiner has not yet acknowledged Applicant's priority claim under 35 U.S.C. § 119 in this application. Accordingly, Applicant requests that this priority claim, as well as the USPTO's receipt of the associated certified copy of the Japanese priority document, which were both filed in this application on September 10, 2001, be acknowledged in the next Office communication. A copy of that filing's associated postcard, which was stamped received by the United States Patent and Trademark Office on September 10, 2001, is attached hereto for the Examiner's convenience.


Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted

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